

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:06-HC-2205-BR-JG

UNITED STATES OF AMERICA

v.

THOMAS MATHERLY

MOTION FOR SUPPLEMENTAL
FORENSIC EVALUATION

COMES Respondent, Thomas Matherly, by and through his undersigned counsel, and moves this court for an order allowing the respondent-selected court examiner, Dr. Fabian Saleh, to conduct a re-interview of respondent and supplement his forensic evaluation of respondent as he deems appropriate. In support of this Motion Respondent shows the following:

On August 31, 2011 the Court granted Respondent's request to appoint Dr. Fabian Saleh as a respondent-selected examiner in Respondent's Adam Walsh Act case. [D.E. #84] Pursuant to the appointment, Dr. Saleh was to examine Respondent and provide a written evaluation on specified dates. Certain extensions of the deadline for the report were obtained and Dr. Saleh's written evaluation was filed on October 24, 2011. [D.E. #92]

On January 6, 2012 counsel for the petitioner/government deposed respondent, Mr. Matherly. During the deposition, Mr. Matherly indicated that certain information he provided to respondent's retained expert examiner, Dr. Richard Wollert, was false. Respondent also provided that same false information to Dr. Saleh. The undersigned advised Dr. Saleh of this revelation by respondent. Dr. Saleh has indicated that he wishes to re-interview Respondent and to supplement

his evaluation as necessary in light of the new information.

Because Dr. Saleh is a court examiner who is to be compensated by the government, undersigned seeks the court's authorization to arrange for Dr. Saleh to re-interview Respondent. Dr. Saleh has indicated that he can visit Respondent on February 3, 2012 and can supplement his report not later than February 10, 2012.

Mr. Matherly's hearing to determine whether he should be civilly committed under the Adam Walsh Act has been continued to an indeterminate date because of other scheduling concerns. [D.E. # 112] Respondent is, therefore, hopeful that the time line proposed for the supplemental evaluation will meet the Court's existing schedule. Counsel for the government, AUSA Norman Acker, has been informed of Dr. Saleh's plan to re-interview Mr. Matherly and to supplement his report and Mr. Acker does not oppose.

For the foregoing reasons, Respondent respectfully requests that this Court grant this request that Dr. Fabian Saleh be permitted to conduct a supplemental evaluation of Respondent.

Respectfully requested this 11th day of January, 2012.

THOMAS P. McNAMARA
Federal Public Defender

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

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by electronically filing the foregoing with the Clerk of Court on January 11, 2012, using the CM/ECF system which will send notification of such filing to the above.

This the 11th day of January, 2012.

/s/ Debra Carroll Graves
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